

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Telecommunications Relay Services and)	CG Docket No. 03-123
Speech-to-Speech Services for)	FCC 08-151
Individuals with Hearing and Speech)	
Disabilities)	
)	WC Docket No. 05-196
)	
E9-1-1 Requirements for IP-Enabled)	
Service Providers)	

REPLACED COMMENTS OF NENA¹

The National Emergency Number Association (“NENA”) submits these comments in response to the Notice of Proposed Rulemaking (“NPRM”) contained in the captioned proceeding. The NPRM seeks comments on a variety of issues associated with the use of ten-digit telephone numbers by users of Internet-based Telecommunications Relay Services (“TRS”). These comments are limited to those issues related to or affecting access to enhanced 9-1-1 (“E9-1-1”) service for TRS users.

911 Issues: The Commission seeks comment on three 9-1-1 specific issues: 1) whether the “call completion rule” should be modified to allow a Caller Assistant (“CA”) to terminate an existing call to answer a 9-1-1 call immediately; 2) ways in which TRS user registered location information can be made available to

¹ These comments initially were filed August 8, 2008. The replacement corrects certain errors.

alternate relay providers (other than the users default provider) for the purposes of routing emergency calls; and 3) technical solutions to allow alternate relay providers to obtain access to registered location information from the TRS user's default provider for the purpose of routing emergency calls, including Neustar's inter-provider signaling proposal.² NENA believes that the multiple 9-1-1 issues raised in the NPRM are directly related and should not be considered as independent issues.

TRS users should always have effective and efficient access to the E9-1-1 system when they dial 9-1-1. Thus, a TRS user should never be placed in a situation in which a 9-1-1 call goes unanswered because a given TRS provider does not have any available CAs³. A TRS user should never be forced, through his or her own initiative, to hang up and dial 9-1-1 using a different TRS provider because the caller could not obtain help from the provider of choice. It should not be the TRS user's responsibility to find a suitable TRS provider with CAs available to help during an emergency. Rather, the system must be designed in a manner that makes it seamless to the TRS user so he only has to dial for help once, regardless of whether it is the default provider or an alternate provider that ultimately connects the TRS user to the E9-1-1 system.

NENA recently published a document entitled *Video Relay Service & IP Relay Service PSAP Interaction Operations Information Document (OID)* which

² NPRM at ¶¶ 106-108.

³ In these comments the term "caller assistant" (CA) is being used interchangeably with the term "video interpreter" (VI) as used with video relay services.

addressed the issue of prioritization of TRS 9-1-1 calls.⁴ Developed by NENA's Accessibility Committee, including many users and providers of TRS services, the OID specifically calls for prioritization of 9-1-1 calls by TRS users. Based on the recommendations of the NENA OID, for reasons discussed below, NENA recommends that the FCC modify the call completion rule.

CAs need to know that there is a prioritized 9-1-1 call in queue waiting to be answered because all CAs are currently assisting other callers. Under these circumstances, a TRS provider should have a standard operating procedure in place in which a CA is able to conclude or place on hold a current conversation in order to answer the 9-1-1 call. However, the TRS provider should not automatically (abruptly, without notice to the caller) disconnect an existing conversation to make a CA available. If a 9-1-1 call remains waiting in queue without a CA becoming available to answer the call, then the call should be routed to an alternate TRS provider. What must be determined is the time period for which a 9-1-1 call should wait in queue before being routed to an alternate TRS provider. We hope other commenting parties agree with this premise and invite others to comment on the appropriate time period that a call should wait in queue before being transferred to an alternate relay provider. In making this recommendation, NENA believes it is important for the Commission to make clear in its regulations that 1) TRS providers are in no way permitted to delay answering 9-1-1 calls so that they will purposefully

⁴ NENA Video Relay Service & IP Relay Service PSAP Interaction Operations Information Document (OID), February 2008. <http://www.nena.org/media/File/NENA52-502VRSIPRelayOID02122008.pdf>.

be routed to and answered by an alternate provider, and 2) TRS providers ensure that calls are not dropped during the transfer to an alternate provider.

NENA believes that the Neustar inter-provider signaling proposal which would enable a 9-1-1 call to be transferred to an alternate TRS provider known to have an available CA deserves further consideration. We look forward to reviewing all potential solutions that will enable 9-1-1 calls to be transferred to alternate relay providers that are capable of accessing registered location information from default providers.

A related issue that is addressed in the NENA OID, but not in the NPRM, concerns the potential abuse of the 9-1-1 prioritization feature. Recognizing that some TRS users might seek faster access to CAs by dialing 9-1-1, despite not having an emergency, the OID states that if the relay center receives a non-emergency call through the prioritized access method set up for 9-1-1 calls, the CA must disconnect the call. Only 9-1-1 calls should be processed through the prioritized access method. A uniform standard operating procedure should be developed for all TRS providers to ensure the system is not abused, which could result in the unintended result of having CAs tied up and unavailable for real emergency situations.⁵

Registration Period: The NPRM asks whether there should be a cut-off date upon which any Internet-based TRS user who has not registered with a default provider will lose the ability to use Internet-based TRS until they register with a

⁵ NENA OID at pg 15.

default provider⁶. NENA cautions the Commission to tread carefully when considering any requirement that would shut off a person's access to relay services. Ensuring that TRS users establish a default provider is important, and indeed essential for the automatic routing of a 9-1-1 call via the E9-1-1 system. However, many people rely on TRS as their primary form of communication and it would be a tragic outcome of this proceeding if a TRS user tried to use their service to dial 9-1-1 only to find their service had been shut off. Significant education of TRS users, as called for by the TRS Numbering and E9-1-1 Order, is a better solution than cutting off service.

NENA believes that TRS provider systems should have the capability of routing 9-1-1 calls based on both the caller's registered location and a location manually entered by the CA. This would account for those who have failed to register their location with a default provider and also overcome potential technical glitches that inevitably will occur where the registered location technical process fails at the time of the call or the registered location is not the actual location of the emergency. For example, the registered location could be incorrect because 1) the caller moved his device and failed to reregister their location and 2) the caller is reporting an emergency occurring in a location different than the location of the caller, and therefore the call should be routed to the PSAP where the emergency is taking place, not from where the call is being placed.

⁶ NPRM at ¶ 109.

MLTS: The NPRM seeks comment on the impact the presence of a multi-line telephone system (“MLTS”) has on the ability of an Internet-based TRS user to select a default provider. Additionally, information is sought regarding any additional safeguards necessary to ensure that emergency calls are properly routed and handled for Internet-based TRS users using MLTS.⁷ NENA remains convinced that the Commission should take appropriate steps to ensure that ALL MLTS users are ensured that when they dial 9-1-1 their location is provided and calls are routed to the correct PSAP, not just users of TRS.

Consumer Privacy: The NPRM raises many issues concerning the privacy of TRS consumers and whether or not to extend customer proprietary network information (“CPNI”) requirements to TRS. The NPRM notes that the commission previously concluded that “customer profile information shall not be used for any purpose other than to connect the TRS user, for whom the profile exists, with the called parties desired by the TRS user.”⁸ The Commission seeks comments on whether FCC rules should require express consumer consent before a TRS provider may disclose customer records of a TRS user to third parties or to any specific type of third-party entity.⁹ When a TRS user places an emergency call, the CA should never have to seek consumer consent before passing appropriate information to the PSAP to assist those in need of emergency assistance. NENA does not offer comment as to whether CPNI rules should be applied to TRS providers or whether it is preferable to expand existing TRS requirements governing the use of customer

⁷ NPRM at ¶ 114.

⁸ 2000 TRS Order, 15 FCCR Rcd at 5175, para 83.

⁹ NPRM at ¶ 146.

profile information to cover new information that will be available as a result of the numbering and E9-1-1 requirements that have been adopted. However, in the context of TRS consumer privacy issues, NENA does wish to comment on the fact that FCC rules need to be amended to allow for the retention by CAs of information related to location, the nature of the emergency, and call-back information for the purposes of 9-1-1. Moreover, it should be noted that the CPNI statute and FCC rules have exceptions for emergency services and emergency call location information that by necessity and equality must be applicable to all parties when they are acting to further the completion, processing, or enhancement of such emergency service calls or information.¹⁰

Typically, 9-1-1 telecommunicators can hear and assess the environmental background of hearing callers and follow established procedures for sending assistance. FCC regulations should be amended to provide exemptions for VIs/CAs who process 9-1-1 calls so that they may provide necessary information to 9-1-1 telecommunicators to best expedite the emergency call process. The Commission should clarify that video relay service (VRS) provider VIs can provide visual information they observe from the video communication of a VRS user. The Commission should adopt rules requiring VI's to provide visual information to a 9-1-1 telecommunicator that will protect the life of the caller and/or others, including first responders.¹¹

¹⁰ Cf., 47 U.S.C. Section 222 (d) and (g).

¹¹ NENA OID at pg 18.

Other: Several additional recommendations are made in the NENA *Video Relay Service & IP Relay Service PSAP Interaction OID* that concern issues not raised in the NPRM, but that are related to the effective delivery of 9-1-1 service by TRS providers. These recommendations include the following:

- The Commission should require TRS providers to have dedicated 9-1-1 emergency trained and qualified interpreters to process emergency calls¹².

Requirements should be established for VIs who process 9-1-1 emergency calls to meet a minimum national standard of performance. The NENA *Video Relay Service & IP Relay Service PSAP Interaction OID* strongly recommends that a qualified 9-1-1 Video Interpreter must:

- hold a valid NAD Level 4 or 5, RID CSC, MCSC, CI/CT, NIC Advanced or NIC Master certification;
- have been interpreting in the community (not educational) a minimum of 5 years;
- have been interpreting for VRS a minimum of 1 year and over 1000 hours; and
- trained in industry-wide TRS 9-1-1 emergency call handling procedures¹³
- The Commission should permit VIs to follow-up with PSAP's in exigent circumstances.¹⁴
- The Commission should require calls from PSAPs attempting to call back a relay center to be received by TRS providers with priority over non-emergency calls from TRS consumers.¹⁵

¹² NENA OID at pg 14.

¹³ NENA is prepared to work with the TRS industry and appropriate stakeholders to develop industry-wide TRS 9-1-1 emergency call handling procedures.

¹⁴ NENA OID at pg 18.

¹⁵ NENA OID at pg 20.

- The Commission should establish procedures and circumstances for a callback/re-contact process by CAs to TRS users under certain circumstances, once a call has been identified as an emergency call, regardless of whether the call has been connected to the PSAP.¹⁶
- The Commission should establish a minimum standard for (speed-of-connect) for VRS or IP Relay Service Providers to reach a PSAP.¹⁷
- The Commission should establish a uniform standard operating procedure for VRS and IP Relay Service Providers in handling the misuse of priority 9-1-1 calls.¹⁸

Respectfully submitted,

NENA

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¹⁶ NENA OID at pg 22.

¹⁷ NENA OID at pg 23.

¹⁸ NENA OID at pg 23.